IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 736 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRAVINBHAI PUNJABHAI - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
THROUGH JAIL for Applicant(s) : 1,
MR KT DAVE, ADDITIONAL PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 26/04/2006

ORAL JUDGMENT

1. Rule. Mr.K.T.Dave, learned Additional Public Prosecutor waives service of rule on behalf of the respondents.

2. Present is the application received through jail.

It is stated in the application that the petitioner is convicted under Section 302 of the Indian Penal Code and his appeal filed before this Court being Criminal Appeal No.437 of 2005 is dismissed by Division Bench of this Court on 27.12.2005. He had applied for 90 days parole to file an appeal before the Hon'ble the Apex Court. The said application is rejected by communication dated 05.04.2006.

3. Mr.K.T.Dave, learned Additional Public Prosecutor submitted that an appeal can be filed through jail authorities and there is adverse police opinion against the petitioner – convict and therefore, the authorities were to reject the application of the petitioner – convict.

4. In view of the aforesaid facts, the Court finds no substance in the application hence, the same is dismissed. Rule is discharged.

(RAVI R.TRIPATHI, J.)

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